

Franchise Tax Board**ANALYSIS OF ORIGINAL BILL**

Author: Yee Analyst: Jane Tolman Bill Number: AB 2408
Related Bills: See Legislative History Telephone: 845-6111 Introduced Date: 02-19-2004
Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: State Agencies Employ Bilingual Persons In Newly Created Public Contact Positions & Include Additional Information In Survey For SPB & Submit Implementation Plan To Legislature

SUMMARY

This bill would make changes to the staffing requirements of state agencies that provide bilingual services.

PURPOSE OF THE BILL

According to the author's office, the purpose of this bill is to require state agencies to expand their bilingual services.

EFFECTIVE/OPERATIVE DATE

This bill would be effective and operative on January 1, 2005.

POSITION

Pending.

ANALYSISFEDERAL/STATE LAW

Title VI of the Civil Rights Act of 1964 states that no person shall be excluded from participation in, denied the benefits of, or be subject to discrimination based on race, color, or national origin under any program or activity receiving federal financial assistance. A federal program's failure to assure that people who are not proficient in English can effectively participate in and benefit from the federal program or activity may constitute discrimination on the basis of national origin, which is prohibited by Title VI.

On August 11, 2000, the President of the United States issued Executive Order 13166 entitled "Improving Access to Services for Persons With Limited English Proficiency (LEP)." The order requires each federal agency to examine the services it provides to the public and implement a system by which LEP persons can access those services.

Board Position:

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_____ N	_____ OUA	_____ <input checked="" type="checkbox"/> PENDING

Department Director**Date**

Gerald H. Goldberg

4/29/04

The Dymally-Alatorre Bilingual Services Act, which was initially enacted in 1973, requires state agencies that are directly involved with supplying information or services to the public and that have contact with non-English-speaking people to employ bilingual personnel in public contact positions. In addition, the agencies may utilize existing funds to contract for telephone-based interpretation services. The state or local agency may not dismiss an employee to fulfill the requirements of this act.

State agencies are required to conduct a survey of their local offices every two years and report the results to the State Personnel Board (SPB). The survey requests various state agency information, including, but not limited to, the number of bilingual employees in public contact positions and the number of non-English-speaking people served by each local office.

THIS BILL

This bill would allow state or local public agencies to meet the Dymally-Alatorre Services Act requirement to fill vacant public contact positions with bilingual employees to also include newly created positions.

This bill would expand the survey conducted by state agencies regarding the number of bilingual employees in public contact positions needed to implement the Dymally-Alatorre Bilingual Services Act.

The SPB would review the results from the survey and implementations plans, and provide a report to the Legislature that identifies problems or deficiencies in the bilingual staffing and proposed solutions to implement this act.

If, while reviewing the agency's implementation plan, a state agency or the SPB identifies deficiencies in the bilingual staffing, the agency would be required to fill the position in a specific manner. The vacant public contact positions would be required to be filled with qualified bilingual staff. This would be accomplished with newly created public contact positions or positions made vacant by retirement or attrition. This requirement would be in force until the agency is in compliance.

This bill would allow a state agency to be exempt from the requirement of this bill in the event that:

- there is an emergency that requires the agency to fill the public contact position,
- the agency is unable to identify a qualified bilingual candidate within a reasonable period of time, or
- the job opening for a public contact position does not address the state agency's deficiency in bilingual service.

The state agency would have to petition the SPB for an exemption.

IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not significantly impact the department's programs and operations.

LEGISLATIVE HISTORY

SB 987 (Escutia, 2001/2002) would have required state agencies to expand their bilingual services. This bill was vetoed September 30, 2002. In his veto message, Governor Davis stated that while he supported the intent of this legislation, he believed the State's financial situation did not permit enactment.

AB 763 (Shelley, 2001/2002) would have required state agencies to provide, in non-English languages, any existing materials on the Internet that explain state agency services. This bill failed to pass out of the house of origin.

AB 805 (Shelley, 2001/2002) would have required state agency websites to have a link to non-English information. This bill failed to pass out of the house of origin.

OTHER STATES' INFORMATION

Review of individual income tax booklets for *Colorado, Florida, Texas, Oregon, Arizona, New Mexico, and New York* found that Oregon is the only state similar to California by offering telephone assistance in Spanish to help taxpayers complete English-language tax forms. The laws of these states were reviewed because their economy and business entity types are similar to California's.

FISCAL IMPACT

Currently, the Franchise Tax Board is in compliance with the Dymally-Alatorre Bilingual Services Act, including the required implementation plan and SPB reporting requirement. Accordingly, this bill would not significantly impact the department's costs.

ECONOMIC IMPACT

This bill would not impact the state's income tax revenue.

LEGISLATIVE STAFF CONTACT

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